

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

ORDER NO. 14

MIRENA IUD PRODUCTS LIABILITY LITIGATION

13-MD-2434 (CS)(LMS)

13-MC-2434 (CS)(LMS)

This Document Relates To All Actions

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**AGREED ORDER REGARDING AMENDMENT AND SERVICE OF COMPLAINTS
NAMING FOREIGN DEFENDANTS**

Seibel, J.

1. This Order shall apply to all cases currently pending in MDL No. 2343, or that are hereafter transferred to these proceedings and/or filed directly with this Court (collectively, "the MDL proceedings").
2. Notwithstanding any prior Case Management Order, the parties agree that for complaints filed and served upon Bayer Healthcare Pharmaceuticals, Inc. in the Consolidated Proceedings prior to February 26, 2014 any Plaintiff seeking to amend her complaint to name Defendants Bayer OY or Bayer Pharma AG pursuant to this Order must do so at the earlier of :
 - a. Within thirty days after the formal selection of Plaintiff's case as part of the Initial Disposition Pool; or
 - b. Within thirty days after an entry of an order remanding an individual case to a transferor Court.
3. Complaints amended pursuant to paragraph 2 of this Order shall be treated as though the Amended Complaint was filed no later than February 26, 2014.
4. Plaintiffs wishing to serve complaints amended pursuant to paragraph 2 of this Order, shall serve the amended complaints upon Bayer Oy or Bayer Pharma AG pursuant to the "First

Amended Agreed Order Regarding Proper-Party Defendant And Abbreviated Service Procedures for Service Upon Defendants Bayer Healthcare Pharmaceuticals Inc., Bayer OY, and Bayer Pharma AG.”

5. This Order is entered strictly for ease of administration and the parties do not intend to waive, limit, or expand the parties’ rights except as provided for in paragraph 3. Specifically, this Order does not preclude plaintiff from seeking to relate the filing date of an Amended Complaint back to the original filing date of the underlying Complaint. Likewise, defendants have not waived their ability to challenge any attempt to relate the filing date back to an earlier date and have not waived any of their rights with respect to motions predicated on statutes of limitations.

6. Complaints filed after the entry date of this Order are not subject to the provisions set forth in paragraphs 2 and 3 and must be served pursuant to the “First Amended Agreed Order Regarding Proper-Party Defendant And Abbreviated Service Procedures for Service Upon Defendants Bayer Healthcare Pharmaceuticals Inc., Bayer OY, and Bayer Pharma AG.”

7. Except as specifically provided, nothing in this Order shall modify the parties’ obligations under any other case management order including the parties’ fact sheet and discovery obligations.

SO ORDERED.

Dated: February 26, 2014

White Plains, New York



CATHY SEIBEL, U.S.D.J.